

HOUSE BILL REPORT

ESHB 1256

As Passed House:
February 10, 2012

Title: An act relating to body art, body piercing, and tattooing.

Brief Description: Concerning body art, body piercing, and tattooing.

Sponsors: House Committee on Business & Financial Services (originally sponsored by Representative Appleton).

Brief History:

Committee Activity:

Business & Financial Services: 2/4/11, 2/10/11 [DPS].

Floor Activity:

Passed House: 2/10/12, 89-8.

Brief Summary of Engrossed Substitute Bill

- Establishes standards for individual operator licenses for practitioners of body art, body piercing, and tattooing.
- Requires recipients of individual operating licenses after July 1, 2014, to have completed an internship program conducted by an operator with seven years of documented experience in the profession.
- Allows the Department of Licensing to grant 30-day guest artist licenses under certain conditions.

HOUSE COMMITTEE ON BUSINESS & FINANCIAL SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Buys, Assistant Ranking Minority Member; Blake, Condotta, Hudgins, Hurst, Parker, Pedersen, Rivers, Ryu and Stanford.

Staff: Jon Hedegard (786-7127).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

To practice body art, body piercing, or tattooing in Washington, a person must receive a license from the Department of Licensing (Department). Licenses may be issued to individual practitioners and to shops or businesses that provide these services.

"Body art" means the practice of invasive cosmetic adornment, including the use of branding and scarification, but does not include health-related procedures performed by licensed health care practitioners under their scope of practice. "Body piercing" is the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes, excluding the practice of medicine. "Tattooing" means piercing or puncturing the human skin with a needle or other instrument to make indelible marks on the skin.

Department rules require the issuance of an individual license to any person who is at least 18 years old, provides proof of bloodborne pathogen certification, and pays a fee. The Department sets fees for obtaining or renewing licenses at \$250 for individual licenses and \$300 for shop licenses.

Summary of Engrossed Substitute Bill:

The Department may issue individual operator licenses to people who perform body art, body piercing, or tattooing and location licenses to shops or businesses that provide those services.

Prior to July 1, 2014, a person qualifies for an individual operator license if he or she: (1) completes an application and pays a licensing fee; (2) is at least 18 years old; (3) provides proof of bloodborne pathogen training; and (4) meets applicable industry-specific requirements set by the Department. After that date, a person qualifies if he or she meets those qualifications and completes an internship program during the three years before the date of the application.

The internship must consist of training in the body art, body piercing, or tattooing profession. The internship training must be conducted by an individual operator licensee who has seven consecutive years of documented experience in the profession.

The Department may issue a 30-day guest artist license to a nonresident of Washington who intends to practice body art, body piercing, or tattooing in the state. Guest artists must meet the requirements set for people to receive operator licenses prior to July 1, 2014.

A person whose license is not renewed within a year after expiration no longer must have the license canceled and resubmit an application, pay a license fee, meet current requirements, and pass any examination in order to be reinstated.

The Department must suspend the license of a person who has been reported to the Department for non-payment or default on a federal or state-guaranteed education loan or service-conditional scholarship. Prior to suspension, the Department must provide the person with an opportunity for a brief adjudicative proceeding and issue a finding of non-payment or default. The license may not be reissued until the person provides a written release issued by the lending agency stating the person is making payments in accordance with a repayment agreement. If the person has continued to meet all other requirements for licensure during

the suspension, he or she must be automatically reinstated when the Department receives notice of the release and payment of any reinstatement fee.

The procedures by which the Department of Social and Health Services certifies that a person is not in compliance with a support order are changed.

Other technical changes are made.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This change is necessary to protect the public. The current requirements are irresponsible and could lead to liability.

Requiring an internship is paramount to establish a knowledge base for new operators, which will increase safety for clients. Without an internship program, anyone could become licensed without knowledge of certain medical conditions or other hazards. Most practitioners learn their craft through internships because there are not officially accredited schools that teach these practices. Anyone can buy tools used for these practices over the Internet and open a shop without training, but people who see a license on the wall of these shops think the practitioners must be safe. A lack of training is particularly problematic for permanent body makeup, which involves creating the effect of facial makeup through tattooing. Repetition of tasks on the job, rather than book learning, is important to achieve safety. Some practitioners want a seven-month internship. A few hours of bloodborne pathogen training, as currently required, are not enough. Becoming a barber requires more hours of training under existing law.

The guest license will increase business by allowing body art, body piercing, and tattooing by out-of-state practitioners, such as at conventions. The bill does not impose any new fees on Washington licensees.

(Information only) Health regulations passed last year by the Legislature included no piercings in mucous membranes and cartilage areas of the body, not necessarily the health issues stakeholders discussed regarding House Bill 1256.

(Opposed) None.

Persons Testifying: (In support) Kenneth and Geisha Elsea, Leavenworth Tattoo and Piercing Haus; and Les Johnston, ETBP Incorporated.

(Information only) Susan Colard and Ralph Osgood, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.